Supreme Court, U.S.
FILED

MAY 11 2010

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file

NO. 10-127

IN THE
SUPREME COURT OF THE UNITED STATES

IRANDOKHT BAHRAMI

PETITIONER

VS.

MOHAMMAD ALI SAADAT KETABCHI, ALSO KNOWN AS MOHAMMAD KETABCHI, HOMAYOUN SAADAT KETABCHI & HOMAYOUN KETABCHI

RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SECOND BOOKLET

IRANDOKHT BAHRAMI
400 EAST 57TH STREET APT 10B
NEW YORK, NY 10022
917-225-0072

1- Plaintiff's Post-Trail Findings Of Facts 1-16

2- Affidavit of Mr. Ramin Tavari and me admitting to him that I was raped in January 25 2005. 17

3- Mr. Ketabchi forged the W-2 form And supporting documents for me which is too much to include in this booklet. I only included a copy of the forged W2 form. 18

4- Mr. Mohammad Ketabchi used his first name and his brother Mr. Fred Ketabchi's first name to purchase a cell number in 1998. (Mr.Mohammad Fred Ketabchi) 19

5- Mr. Ketabchi changed the information on his Deceased wife's Driving license 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

IRANDOKHT BAHRAMI,

Plaintiff,

-against-

MOHAMMAD ALI SAADAT KETABCHI, a.k.a. MOHAMMAD SAADAT KETABACHI, a.k.a. MOHAMMED KETABACHI, a.k.a. HOMAYOUN SAADAT KETABACHI, a.k.a. HAMAYOUN KETABACHI,

Defendants.

----------X

ECF CASE
Index No. 05 CV 3829 (RMB)
(KNF)

PLAINTIFF'S POST-TRIAL FINDINGS OF FACTS

Respectfully Submitted,
CERTAIN & ZILBERG, PLLC

MICHAEL A. ZILBERG (MZ 5250)
Certain & Zilberg, PLLC
535 Fifth Avenue, 23rd Floor
New York, New York 10017
Telephone: 212-687-7800

Dated: New York, New York
December 1, 2008

Testimony of Plaintiff [illegible]

She first met the defendant in 1987. Ms. Bahrami and the defendant engaged in several business transactions between 1987 and 1989, during which time the defendant accumulated a debt of $80,000 to the plaintiff. That debt was never satisfied.

In 1989 the defendant, a married man, convinced the plaintiff to go with him to see a house in New Jersey, which was owned by his parents, with the alleged intention of having Ms. Bahrami purchase the house. While at the house, the defendant raped the plaintiff.

This marked the commencement of a long term mentally and physically abusive relationship between the plaintiff and defendant. Since within the Iranian culture it is the woman who bears the fault and shame associated with having been raped, Ms. Bahrami could not get herself out of the relationship, fearing that the defendant would make these facts public.

This relationship came to its inevitable but much delayed conclusion on January 25, 2005, when the defendant forced himself on the plaintiff and raped her at her apartment. Ms. Bahrami had not only bruising on her body as a result of this rape, but also a burn on her breast which was administered by the defendant by placing a spoon in a hot cup of tea and then holding that spoon to plaintiff's breast.

Later that evening, Ms. Bahrami's two daughters came to the apartment and had dinner together with their mother and the defendant. It appeared that the defendant wanted to have dinner with the whole family as he was leaving on a trip to Dubai the following day. Ms. Bahrami sought psychological treatment after this even, having been diagnosed with Post Traumatic Stress Disorder.

Testimony of the plaintiff's daughters ATOSA and IRMAN

They both testified to the constant abuse sustained by Ms Bahrami at the hands of Mr. Ketabchi.

Atosa further testified about an event where she was attacked by the defendant during which time she felt sexually threatened.

Both daughters testified to the disoriented and disheveled look of their mother when they arrived for dinner at her house on the evening that the defendant claims that he was not there.

The defense emphasized on cross-examination that Ms. Bahrami testified that she had cleaned herself up after the rape in order to undermine the daughters' testimony regarding Ms. Bahrami's appearance. It is clear however that just because Ms. Bahrami had cleaned herself up does not mean that signs of having been violently attacked were not still present and readily observable.

Testimony of plaintiff's expert DR. CRAIG L. KATZ

Dr. Katz's extensive CV is annexed to the plaintiff's evidentiary submissions as Exhibit H. Briefly, he is a psychiatrist who is a Diplomate in Adult Psychiatry and Forensic Psychaiatry.

The professional opinion offered by Dr. Katz was based upon the following: A review of the Amended Complaint for Sexual Assault and Rape (dated 7/19/05); Deposition of Mr. Ketabchi, via Farsi interpreter (10/21/05), Deposition of Ms. Bahrami, via Farsi interpreter (11/4/05); Written notes of Dr. Robert Berger's evaluation of Ms. Bahrami on behalf of the defendant (1/11/06), Report of the Millon Clinical Multiaxial Inventory conducted by Dr. Robert Berger (1/12/06); Forensic psychiatric report of Dr Robert Berger (2/28/06); Ms. Bahrami's typed statement regarding Dr. Berger (date uncertain), Deposition of Dr. Robert Berger (3/22/06); Letter from Patricia Murphy, CSW, Ms Bahrami's psychotherapist (2/14/06); Interview of Ms. Bahrami on 12/17/07 (1.5 hours), 12/18/07 (1.5 hours), 12/20/07 (1 hour), and 12/27/07 (1 hour); Interview of Atosa Shoughi, patient's daughter, on 9/18/08 (50 minutes); and Forensic psychological report of Dr. Barry Rosenfeld (9/26/08).

Dr. Katz indicates that the plaintiff has been experiencing ongoing symptoms such as almost daily nightmares that and occasional flashbacks, including physical reactions such as

diarrhea or vomiting. Although the symptoms first started after the 1989 rape, they have worsened after the January 2005 rape.

Dr. Katz further indicated that Ms. Bahrami described avoidance symptoms, hyper-arousal symptoms as well as other depressive symptoms. Ms. Bahrami also scored a 64 on a Post Traumatic Stress Disorder checklist administered By Dr Katz (a score of over 44 is consistent with having PTSD). Dr. Katz also administered the Beck Depression Inventory, on which Ms. Bahrami's score indicated severe depression.

Dr. Katz's diagnosis was as follows. Posttraumatic Stress Disorder, chronic (DSM-IV code 309.81) and Major Depression, single episode, chronic, in partial remission (DSM-IV code 296.25)

As is more fully described in Dr. Katz's affidavit in lieu of direct testimony at paragraphs
15-22, Dr. Katz meticulously references the manner in which his diagnosis is carefully tested against the diagnostic guidelines contained within the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-IV), unlike defendant's expert witness Dr. Berger, who utilized the broad DSM-IV disorder "classifications"" rather than the specific symptom requirements set forth in the DSM-IV for each disorder diagnosis.

Dr. Katz questions Dr. Berger's diagnosis (located at paragraphs 23 and 24 of Dr. Katz's affidavit in lieu of direct testimony) in stating:

Dr. Berger's diagnosis of Borderline Personality Disorder with narcissistic and histrionic traits in Ms Bahrami is hard to substantiate for some very basic reasons. Borderline Personality Disorder (BPD) consists of a pattern of instability of interpersonal relationships, self-image, and emotions. It is this diagnosis which apparently leads Dr. Berger to conclude that Ms. Bahrami's complaints against Mr. Ketabchi "derive from longstanding personality defects." BPD certainly can by its very nature render someone prone to paranoia, problems with anger, and unstable and intense relationships. It may therefore be

tempting to look to these problems for explanations as to why Ms. Bahrami has made the allegations against Mr. Ketabchi and portrayed an admittedly extreme and hard to fathom situation of 16 years of abuse and threats. However, again, there is no available evidence that Ms. Bahrami meets criteria for BPD, including having problems with paranoia, anger, or relationships. These issues would need to be present from her early adulthood, to be apparent with people other than Mr. Ketabchi, and, even if they were present, to be clearly problematic even when she was not laboring under significant symptoms of anxiety and depression. For example, Dr. Berger also concluded that Ms. Bahrami has a number of other diagnoses, namely Generalized Anxiety Disorder, Dysthymic Disorder, and Somatization Disorder It would be especially difficult to maintain that someone has three such acute diagnoses and yet somehow be able to look beyond them and identify a more longstanding personality problem.

Dr. Berger's report indicates that he relied, in part, on her deposition and medical records to arrive at the diagnosis of BPD, but it does not explain what specific information therein supports this diagnosis. And, Dr. Berger's notes and report suggests that his diagnostic conclusions also derive from the difficulty he had interacting with and interviewing Ms. Bahrami. This difficulty, including her reported vagueness, argumentativeness, and refusal to answer questions (issues which appeared to plague her deposition), could be consistent with BPD or another personality disorder. But, they are not definitive of such a problem. Indeed, the problems with interviewing her could also stem from PTSD, leading Ms. Bahrami to become easily over-stimulated, agitated, emotional, avoidant, or even confused. Cultural and language issues may also explain some of this.

Dr. Katz also had Ms. Bahrami undergo diagnostic testing by Dr. Barry Rosenfeld, a licensed clinical psychologist. Dr. Rosenfeld's report, annexed to plaintiff's evidentiary submissions as Exhibit 13, indicates that the four tests that he

administered did not indicate any malingering or exaggeration of symptoms.

In court Dr. Katz testified that he found Ms. Bahrami to be credible. (Trail Transcript at P.6) He based this determination on the fact that as a trained psychiatrist he knows how to "look for elements that make for a coherent and consistent story." (Trail Transcript at P. 8) Nor did he find that the plaintiff's changing of the exact date on which the rape occurred to bring into question her credibility. (Trail Transcript at P. 11)

Dr. Katz testified that it is certainly not unusual to have a middle aged patient come to his office having had experience several traumas in their life. (Trail Transcript at P. 32) He also addressed defendants concerns during cross-examination in stating that such past traumas like having an abortion and the loss of a sister can lead to PTSD (as can any trauma), but are not usually a source of PTSD. (Trail Transcript at P. 19, 23 and 32) A person with prior traumas will however be more prone to developing PTSD from current or recent trauma. (Trail Transcript at P. 9-10 and 32-33)

Testimony of Defendant MOHAMMAD ALI SAADAT KETABCHI

Mr. Ketabchi testified via affidavit at paragraph 8 as follows:

> Over the course of many years, I gave numerous gifts to Ms. Bahrami which included money, jewelry and rugs. I provided financial support to Ms. Bahrami from the second year of our relationship. In 2004, I gave Ms. Bahrami money every month which I deposited into her account at Citibank in New York City and it was approximately $5,000 every month In January 2005 I made a deposit of $17,000 into Ms. Bahrami's account because of her threats to tell my children, my family and members of my mosque of my relationship with her. I gave the plaintiff the money because she was accusing me of different things, and I was afraid she would go to the FBI and carry out the threat to tell my children of our relationship.

At trial, Mr. Ketabchi did not offer any proof whatsoever of

the alleged $5,000 monthly deposits into Ms. Bahrami's account in 2004.

Although paragraph 8 of plaintiff's affidavit in lieu of direct testimony is abundantly clear in communicating that Mr. Ketabchi considered the $17,000 payment made in January of 2005 as hush money, it is unfortunately unclear form the intentionally vague wording as to whether the $5,000 monthly payments made to Ms. Bahrami in 2004 were made as gifts and support in furtherance of their relationship or whether these payments also constituted hush money.

Mr. Ketabchi testified at his deposition that he felt "trapped" in the relationship with Ms. Bahrami in that since 1998-99 she was threatening to tell his wife and family about their relationship if he ended their relationship. (October 21, 2005 Deposition Transcript at P. 164-65) Mr. Ketabchi gave similar testimony at paragraph 7 of his affidavit in lieu of direct testimony.

At pages 179-81 (10/21/05 deposition) of his deposition testimony however, Mr. Ketabchi testified as follows:

Q. After the second year of your relationship with Ms. Bahrami, what motivated you to make financial gifts to her?

A. We had a good relationship. She wanted help from me, and she said that I don't work that much and she said that she's in love with me and she cannot live without me.

Q Okay. Is there any other reason why after the second year of your relationship you commenced to pay monetary gifts to Ms. Bahrami?

A. I can say we were very good together, we had a good relationship together. And when she wanted help from a friend I should have helped her.

Significantly, in the above section of Mr. Ketabchi's deposition transcript there is no mention of any threats by Ms. Bahrami, which he claims started some time on the late 1980's, behind the significant sums of money that Mr. Ketabchi allegedly gave Ms. Bahrami prior to 2005, when Mr. Ketabchi

gave Ms. Bahrami $17,000 as alleged hush money.

Mr. Ketabchi appears to be having trouble with deciding whether to characterize the relationship with Ms. Bahrami as a "good relationship" where they "were very good together" and during which time he allegedly supported her with gifts consisting of various things as well as significant sums of money or whether to paint himself as a victim who was "trapped" in a relationship, from which he desperately wanted to free himself, for fifteen years by a woman who threatened to divulge the nature of their relationship to his wife and family.

Oddly enough, the hush money that Mr. Ketabchi allegedly paid to Ms. Bahrami in January of 2005 and perhaps all throughout 2004 was all paid after his wife of 38 years had died of cancer on February 14, 2003. (October 21, 2005 Deposition Transcript at P. 134)

Mr. Ketabchi's vastly inconsistent characterization of his relationship with Ms. Bahrami is indicative of the fact that Mr. Ketabchi is simply not being truthful and is desperately trying to cover up the true abusive nature of the relationship between himself and Ms. Bahrami.

This is proof that Mr. Ketabchi is not a credible witness and as such his testimony should be disregarded by the Court.

With regard to imposing a curfew on Ms. Bahrami's, Mr. Ketabchi testified at trial that he "asked" Ms. Bahrami to be home before sunset. (P. 118) Mr. Ketabchi went on to explain the reason at pages 119-20 of the trial transcript as follows:

Q. What were you concerned that might happen to her if she came home after it got dark?
A. No, I should say this.
THE WITNESS: Can I?
THE COURT: Yeah.
THE WITNESS: About -- I don't remember, two years ago, when -- one and a half years ago. Between January 23 or something, 25, one day, I was at her home. And she came, so said I had a dream somebody killed me in -- in New York City and darkness.

MR. CERTAIN: Your, I'm going to object as nonresponsive.
THE COURT: It is. I think it is.
Q. What were you afraid of? Meaning the witness?
MR. DWECK: He didn't finish the answer, your Honor.
THE WITNESS: If you want the reason -- THE COURT: Yeah.

THE WITNESS: -- I tell you.
Then -- and I talked to her, those two daughters. And they decided, they don't let her be out of the -- at dark, now, because she said dark, was be killed on 57 Street, I saw, you know, my ghost, I'm dying. I said what you should do, because you believe in your dreaming, let's go you don't be home at darkness. Always try to be home before the darkness. That's what her daughters told her and she asked me, always calling me, if I'm not coming at darkness, you talk to me and tell me. Honestly, something, whatever they want, you should be, because of her safety. I always talking to her, always I would say something to her every day, are you there. If you see, if you have any record, if you see, almost hundred times, I say don't be home before darkness, don't be home before darkness. If I was controlling to her, I would say, where you are during the day, why you -- I ask where you are the whole day. All this I asking, please, be home before darkness, because of your dream. That's why I was doing it. That's all.
Q. So it's only because of her dream that you were required her to be home before it got dark --
A. Did you understood it to --
Q. -- is that correct; yes or no?
A. Yes. Yes.

This explanation hardly makes sense in light of the recorded interaction between Mr Ketabchi and Ms. Bahrami in their recorded conversation that was recorded by Ms. Bahrami a few days prior to the January 25, 2005 rape. The recording, together with a translated transcript of the telephone conversation, have been presented to the Court as Plaintiff's Exhibit 1.

The plaintiff respectfully suggests that the court listed to the recording even though it is not in English so that the Court may

get a sense of the tone that Mr. Ketabchi used in speaking with Ms. Bahrami, particularly the manner in which he yelled at her.

In reading the transcript, particularly in combination with listening to the voice and expressions of anger by the defendant, one certainly does not get a sense that Mr. Ketabchi is looking out for Ms. Bahrami's best interests and that his prohibition for her to be outside after dark has anything at all to do with a dream as Mr. Ketabchi testified to.

Most significantly, Mr. Ketabchi testified at trial that this issue regarding Ms. Bahrami not going out after dark was based upon a dream that she told him some time between January 23 and 25, just prior to the rape.

I respectfully suggest to this Court that there is absolutely no rational basis for accepting Mr. Ketabchi's explanation for the enforced curfew as true. The transcript of the telephone conversation obviously reflect a long-standing curfew and not one that was imposed for just a few days, as Mr. Ketabchi suggested at trial.

This is further proof that Mr. Ketabchi is not a credible witness and as such his testimony should be disregarded by the Court.

Mr. Ketabchi further testified at trial that toward the beginning of their relationship, he had taken Ms. Bahrami to his parents' New Jersey house for the purpose of having sex and that Ms. Bahrami was aware of that this was the purpose of the trip. (Trail Transcript at P. 109-10)

During the same recorded telephone conversation that has been submitted by plaintiff as Exhibit 1, when confronted with accusations of rape by Ms. Bahrami Mr. Ketabchi responded with phrases such as: "Let's not talk about it now," "I remember, I talked to god and thought with myself and said to myself [thank god] that she didn't make a problem and didn't make it hard" and "Yes that's life." The relevant portion of transcript is as follows:

Woman: Remember you wanted to show me a cheaper house and I was very much afraid to get in to the house

with you, and I said, that I have to leave soon and go back to work at my store, remember, I said today I have no 12 employees ..But Babar one of your employees who was working in 14 street then.

I was afraid of you. You told me, you need to go do your prayers (namaz) on time and I said ok. Then while you were doing your prayers I was thinking by myself, and asked God for his forgiveness from that I thought of you may be dangerous while you are so religious and doing prayer (namaz).

Man: Let's not talk about it now.

Woman: No let me tell you the rest Homayoon, while I was thinking you were such a nice man while you were doing your prayer (namaz) and I trusted you and respected you after your prayer, but you after finish praying, you came up to me and said let me show you the other room please, and I said it's ok it's already to late and I have to leave soon, but you insisted and said this house very low price and I said great ok and when you try to show me the other room, instead you raped me, and after that I really hated you.

One night you took poor Mona to McDonalds up to 2 am and called me many times, but I didn't pick up the phone, I all the time runaway from you.

After that you said I am going to do my prayers (namaz), I thought that you probably will rape someone after your prayers (namaz) and you think is very normal and nothing bad about it.

Man: I remember, I talked to god and thought with myself and said to myself ALHAMDOLALA it's a arabic word in English means (thank God), that she didn't make a problem, and didn't make it hard.

Woman: Ya right you are ridiculous, I felt so disgusted, and so dirty and so…guilty. You looked at my legs and said "your legs are so..beautiful", but I hated you and I was so..angry. For a few years I was running away from you,

but I didn't know probably that's my destiny and my life that I have to live like this.

Man: Yes that's life.

This is further proof that Mr. Ketabchi is not a credible witness and as such his testimony should be disregarded by the Court.

Mr. Ketabchi testified at trial that when he traveled to London with Ms. Bahrami in 1999, his passport was not stamped at Heathrow Airport, while Ms. Bahrami's was. (Trail Transcript at P. 120-122) Ms. Bahrami has maintained that Mr. Ketabchi did not use his own passport on that trip. In fact, at lines 11-14 at page 122 of the trial transcript, when being asked regarding the stamping of his passport, Mr. Ketabchi says "I'm not sure it was mine or not."

This is further proof that Mr. Ketabchi is not a credible witness and as such his testimony should be disregarded by the Court.

At pages 4, 5 and 308 of defendant's Trail Exhibit 13 Mr. Ketabchi presents what are purported to be Ms Bahrami's home telephone records. In fact, defense counsel spent some time cross-examining Ms. Bahrami regarding the calls made from and to her home based upon those records. Respectfully, a cursory look at those records reveals that they are nothing more than a spread sheet printout without any indication that they were produced by a telephone company.

Significantly, at pages 295 and 296 of defendant's Exhibit 13 attached are copies of Ms. Bahrami's Broadview telephone bills for the relevant time period. None of the telephone calls indicated at pages 4, 5 and 308 of the spreadsheet are contained within pages 295 and 296 of the Broadview telephone bills.

This is further proof that Mr. Ketabchi is not a credible witness and as such his testimony should be disregarded by the Court.

Testimony of Defendant's expert witness DR. ROBERT BERGER

Dr. Berger testified at trial that the MCMI III behavioral

disorder test that he administered to Ms. Bahrami did not factor into his evaluation and diagnosis of the plaintiff. Considering the fact that Dr. Berger did not indicate that anything went wrong during the administration of the test or that some other unforeseen event rendered the results unreliable, it is somewhat odd that Dr. Berger spent two of the eight hours that he spent examining the plaintiff on administering this examination.

It is likewise rather odd that Dr. Burger did not indicate in his expert report of February 28, 2006 or in his affidavit in lieu of direct testimony that he did not at all rely upon the results of the MCMI III examination that he administered.

Dr. Berger did testify at trial that the MCMI III test results did indicate that Ms. Bahrami was not exaggerating symptoms. (Trail Transcript at P. 147)

With regard to Dr. Berger's evaluation and diagnosis of Ms. Bahrami, he testified that he utilized the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-IV) "classifications" rather than the diagnostic checklists. I can only presume that this means that Dr. Berger did not go look past the DSM-IV index. Certainly, any professional protect his diagnosis from being questioned by stating that his opinion is based upon his "experience" rather than specific diagnostic checklists which are generally accepted within the medical community and which can be questioned and tested with greater specificity.

With regard to his diagnosis of Dysthymis Disorder, however, Dr. Berger conceded that failing to include in his notes that the plaintiff has been suffering from depression for at least the last two years (a DSM-IV diagnostic requirement) was an "oversight." (Trail Transcript at P. 150-52)

Next, with regard to his diagnosis of Somatization Disorder, when confronted with the DSM-IV diagnostic checklist Dr. Berger explained his shortfall in gathering the necessary information for such a diagnosis on his representation that he could not always secure the information that he needed from the plaintiff. (Trail Transcript at P. 158) He did testify, however,

that he did not request any additional time with the plaintiff. (Trail Transcript at P. 159)

With regard to his diagnosis of the plaintiff with Borderline Personality Disorder, Dr. Berger admitted that a description of symptoms associated with such a condition set forth in his expert report of February 28, 2006 did not apply to Ms. Bahrami.

Dr. Berger retracted his finding that Ms. Bahrami's "complaints lack credibility" when asked whether he was referring to "all of them," admitting that this statement, made at paragraph 10 of his affidavit in lieu of direct testimony, was simply too broad. (Trail Transcript at P. 161-62) In clarifying his written testimony, Dr. Berger testified at page 162 of the trial transcript that:

"I don't know whether what she claims against Mr. Ketabchi is true or not. I was not there. And I'm not privy to other kind of information a factfinder might be privy to. From a psychiatric perspective, I found that she lacked a degree of credibility that made me uncomfortable in my psychiatric evaluations and assessments."

Here, I respectfully request that the Court consider this testimony in parts.

First Dr. Berger states that. "I don't know whether what she claims against Mr. Ketabchi is true or not. I was not there." This makes perfect sense and is probably one of the few credible pieces of testimony offered by this witness.

Next Dr. Berger says: "And I'm not privy to other kind of information a factfinder might be privy to." What in the world does this mean? What information was there that was material to a proper psychological evaluation and diagnosis that Dr. Berger feels is available to the factfinder that he was not "privy" to? I presume that defense counsel could have forwarded for Dr. Berger's review and analysis any and all documents and information that the "factfinder" would be "privy" to. Although it would make sense if Dr. Berger testified that the ultimate power to determine whether the rape in fact occurred

rests with the "factfinder," but that is not what he said. He said that he did not have all of presumably material information that was necessary for the making of a determination on this issue. Respectfully, this is simply an empty statement that is offered in the hope that the Court will absolve him of performing slipshod analysis with regard to Ms. Bahrami.

Finally, Dr. Berger says: "From a psychiatric perspective, I found that she lacked a degree of credibility that made me uncomfortable in my psychiatric evaluations and assessments." Then how can Dr. Berger in the same breath diagnose Ms. Bahrami with Dysthymic Disorder, Generalized Anxiety Disorder, Somatization Disorder and Borderline Personality Disorder with Narcissistic and Histrionic Features?

If Dr. Burger felt that there was such a great credibility gap that caused him to be "uncomfortable in [his] psychiatric evaluations and assessments," then why did he not say that from the beginning instead of forming a diagnosis and defending this diagnosis in Court? The answer is of course rather simple. He made the findings that he was hired to make.

In fact, Dr. Berger admitted that he knew that it would be helpful to his employer in this case, Mr. Ketabchi, if he found that Ms. Bahrami lacked credibility. (Trail Transcript at P. 166-67) In fact, while answering a question regarding the integrity of the MCMI III answer sheet that was marked in pencil by Ms. Bahrami and which she did not receive a copy of prior to leaving it with Dr. Berger, Dr. Berger stated at P. 33 of his March 22, 2006 deposition transcript: "I'm not sure why I would have an interest in making the plaintiff appear either positively or negatively in any which light, *but certainly why would I want to change an answer to make her appear in a more favorable light*?" (emphasis added)

Dr. Berger truly goes overboard and reveals his unbridled bias and lack of professionalism at paragraph 22 of his affidavit in lieu of direct testimony where in he determines to a reasonable degree of medical certainty that Ms. Bahrami's claim that she

was raped by the defendant is not credible. When confronted with this finding at trial, Dr. Berger quickly retracted this patently absurd finding. (Trial Transcript at P. 165) Respectfully, Dr. Berger's testimony should be disregarded by the Court.

CONCLUSION

The plaintiff has made out case for sexual assault, as plead in the Amended Verified Complaint.

As a result of the January 25, 2005 attack, the plaintiff has suffered from stress, emotional distress, mental pain and suffering as well as obvious adverse physical consequences.

Respectfully, as is more fully discussed above, the defendant's patent lack of credibility should cause any and all material issues of fact pertaining to whether the alleged incident in fact occurred to be determined in favor of the plaintiff. The same is the case with regard to the defense expert, Dr. Berger, who demonstrated a cavalier case in shirking his professional obligations in favor of seeing through his assignment of painting the plaintiff in an unfavorable light.

12.15.05

I Ramin Tavari being duly sworn, deposes & say that:
I am a Citizen and Permanent resident of USA. I make this affidavit on behalf of Ms. Bahrami. I know Ms. Bahrami over 10 years, she is a very nice, and honest person.
She came to me early Feb 2005 and told me she had been raped on January 25 2005 by Mr. Mohammad Ali Sadat Ketabchi.

Mr. Ketabchi made this forged W-2 form for me and also did it for so many others. He also forged the supporting Documents, Forms 1040, Schedule A, and Form IT-201.

Copy C For Employee's Records **2001**
(See Notice to Employee on back on back of Copy B)

Employee ID number **13-3619250**

1- Wages, tips, other comp	65260.00
2- Federal income tax withheld	11960.00
3- Social security wages	65260.00
4- Social security tax withheld	4046.12
5- Medicare wages and tips	65260.00
6- Medicare tax withheld	946.27

WOLD OF NUTS & CHOCOLATES
OF 1275 LEXINGTON AVE INC
NEW YORK, NY 10028

Employee's social security number 000-000-0000

Employee's name, address, and Zip code
IRENE(IRANDOKHT)BAHRAMI
400 EAST 57TH STREET APT 10B
NEW YORK, NY 10022

16- State wage tips, etc	65260 00
17- State income tax	3640.00
18- Local wage, tips, etc	65260 00
19- Local income tax	1924 00
20- Locality name	NYC

Form W-2 Wage and Tax Statement

Mr. Mohammad Ketabchi used the combination of his first name and his brother's first name Mr. Fred Ketabchi's to purchase a phone number. Mr. Mohammad Ketabchi also, used his brother's Mr. Fred Ketabchi American Passport to travel to England in Nov 11 1999, and he admitted at the Trial, also, I was witness of that act. This document is not related to the rape, but to show, one of Mr. Ketabchi's illegal act.

AMERICAN ONE NEW YORK METRO PAGE 4
P.O. BOX 85559
11011 WEST BROAD STREET Date of Invoice
RICHMOND, VA 23285-5559 **04/06/98**

Telephone Number
Account Name **917-748-3561**
MOHAMMAD FRED KETABCHI
WORLD OF NUTS AND ICE CREAM
847 2ND AVE
NEW YORK, NY 10017-0000

Cellular Airtime & Cellular Long Distance for #917-748-3561

Date	Time	#Called	Location	Min	Airtime
3-28	2052	201-848-9730	Wyckoff	2	.64
3-29	1424	212-319-4197	NY	1	.32
3-29	1717	201-848-5657	Wyckoff	1	.32
3-29	1722	201-891-4517	Wyckoff	2	.64
3-29	1826	201-848-9730	Wyckoff	4	1.28
3-29	1837	212-319-4197	NY	2	.64
3-29	1947	201-848-9523	Wyckoff	1	.32
3-29	1948	212-490-7112	NY	1	.32
3-29	2113	212-319-4197	NY	6	1.92
3-30	0941	201-864-8991	Union City	1	.42
3-30	0949	212-967-7847	NY	1	.42

Mr. Ketabchi's deceased wife was a beautiful blond, blue eyes, 5-11 height. When she was sick, Mr. Ketabchi came to me, said, I renewed Mahvash's license and changed her information completely so, anyone I want can use it, he gave me, Mahvash Ketabchi's license and asked me to use it, I did not use it, but I kept it.

Motor Vehicle Services — NEW JERSEY

OPERATOR LIC K2840 51062 54532
CLASS D AUTO ENDR RESTR 1

DOB 04-27-1953
EXPIRES 04-30-2005

MAHVASH B KETABCHI
716 CARRIAGE LANE
FRANKLIN LKS NJ 07417-1526

SEX: F EYES: BRN HT: 5-03 ISSUED 3.18.01
RP200107547984301 REN 16.00

ALL THE PEOPLE ABOVE TESTIFYING AND SIGNING THIS LETTER REGRADING THE TWO FORGERY PHONE STATEMENTS BY MR. KETABCHI FOR THE REASONS ABOVE.

1- MR. KETABCHI'S ONLY PHONE STATEMENT SUBMITTED TO THE CASE WAS FORGED BY HIM. IF MR. KETABCHI EVER MADE A CALL (1/25/2005, 6:49PM, 917-225-0072QUEENS, ONE MINUTE),WHICH IS LISTED IN HIS FORGED VERIZON WIRELESS STATEMENT. MS. BAHRAMI WOULD HAVE AN INCOMING CALL AT 6:49PM IN HER CELL STATEMENT. MS. BAHRAMI HAS NO INCOMIN OR OUTGOING CALL BETWEEN HOURS OF 5:38PM AND 8:09PM IN HER CELL STATEMENT. AND SINCE MS. BAHRAMI SUBMITTED HER ORIGINAL STATEMENTS TO THE COURT AND MR. KETABCHI SUBMITTED COPIES. MR. KETABCHI'S VERIZON WIRELESS IS FRAUD AND FORGED BY HIM.

2- 411 PAGES WITH MEGA FAKE MINUTES AND NO LOGO, IS NOTHING BUT FRAUD SPREAD SHEET BY MR. KETABCHI AND WAS ADDED TO MY CASE WITH KNOWLEDGE OF THE FRAUD BY MR. DWECK. CALL LISTED AT 4:[illegible]PM FOR 1067MINUTES AND THE NEXT CALL WAS LISTED AT 7:37PM ONLY 201 MINUTE LATER, WHICH IS IMPOSSIBLE. THIS SHOWS THAT 411 PAGES ARE NOTHING BUT FRAUD SPREAD SHEET BY MR.KETABCHI.

1-In my knowledge, Verizon Wireless cell statement and the spread sheet are fraud and forged for the reasons above.

PHONE EXPERT FROM VERIZON WIRELESS.
WIRELESS ONE
996 1ST AVE
NEW YORK, NY 10022

Robert Kuhn

2-In my knowledge, Verizon Wireless cell statement and the spread sheet are fraud and forged for the reasons above.
PHONE EXPERT FROM VERIZON WIRELESS
WIRELESS ONE
996 1ST AVE
NEW YORK, NY 10022

3-In my knowledge, Verizon Wireless cell statement and the spread sheet are fraud and forged for the reasons above.

A. Shoughi

4-In my knowledge, Verizon Wireless cell statement and the spread sheet are fraud and forged for the reasons above.

I. Shoughi

4-In my knowledge, Verizon Wireless cell statement and the spread sheet are fraud and forged for the reasons above.

Ms. Bahrami

I WENT TO AT&T IN 425 LEXINGTON AVENUE, NEW YORK, NY, TALKED TO MR. ROBERT, THE PHONE EXPERT AND HE SAID THAT VERIZON WIRELESS STATEMENT IS OBVIOUSLY FRAUD, ALSO THE SPREAD SHEET IS NOTHING BUT FRAUD WITH NO LOGO AND FORGED MEGA MINUTES. BUT I HAVE NO PATIENT FOR COURTS, THAT'S WHY I AM NOT SIGNING IT.